

**NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED CHANGES
IN THE REGULATIONS PERTAINING TO
FIELD FUMIGANT EMISSION LIMITS**

Pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations (CCR), the Department of Pesticide Regulation (DPR) is providing notice of changes made to the proposed text of section 6452.2 of Title 3, CCR. These changes are in response to comments received during the public comment period and for reasons stated below. The public comment period on the originally proposed regulatory action closed on March 25, 2008. The Director finds that the modifications are sufficiently related to the original text of the proposed action. The modified text is being made available to the public for 15 days, during which written comments on the modifications will be received as provided in Government Code section 11346.8(c).

DPR will accept written comments relevant to the modifications between April 9, 2008, and 5:00 p.m. on April 24, 2008. Written comments relevant to the modifications may be sent via e-mail <dpr08001@cdpr.ca.gov>; or may be directed to Ms. Linda Irokawa-Otani, Regulations Coordinator, Department of Pesticide Regulation, 1001 I Street, P.O. Box 4015, Sacramento, California 95812-4015. FAX: (916) 324-1452.

DPR has made sufficiently related changes to the text from that which was originally proposed.

- Revised the total pesticide (fumigant and nonfumigant) volatile organic compound (VOC) emissions benchmarks in the Sacramento Metro, South Coast, Southeast Desert, and Ventura ozone nonattainment areas found in subsection (a) to revert back to those currently in effect. The originally proposed regulation amended those benchmarks to reflect a 20 percent emission reduction from a 1990 VOC emission data instead of from 1991 data as originally calculated. These modifications are being made because DPR does not expect to have the legal authority to use 1990 as the base year until a successful decision on the pending appeal in the Ninth Federal Circuit Court of Appeals, which is unlikely to happen in time for applications that will occur during May 1 through October 31, 2008.
- DPR anticipates that the 2008-2012 phase-in implementation of the final benchmark emission target in subsection (a) in Ventura will be consistent with its legal obligations in time to impact the 2008 peak ozone season. However, the proposed benchmarks in subsection (c) are being revised to reflect emissions reductions based on the 1991 emission data for the same reasons indicated above.

Current wording of the regulation is shown in normal type. Originally proposed additions are shown by underline. Originally proposed deletions are shown by ~~strikeout~~. New proposed deletions are indicated by *italics and strikeout*. New wording to be added by the modifications is shown in **bold double underline**.

All written comments received by 5:00 p.m. on April 24, 2008, which pertain to the indicated changes, will be reviewed and considered in this rulemaking. Please limit your comments to the modifications of the text.

This Notice of Modifications to Text of Proposed Changes and the text of modified regulations are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

Mary-Ann Warmerdam, Director
Department of Pesticide Regulation

Date